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T002-2019-000007

HB Doc No. 7834596

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA

STATE OF ARIZONA, *ex rel.* MARK
BRNOVICH,

Plaintiff,

v.

FABIAN CASTRO-LOPEZ, and
JANE DOE CASTRO-LOPEZ,
Individually and as part of or on behalf of any
Marital, Business, Corporate, Trust, or other
Community,

And

FRANCISCO OSORIO-NAVA, and
JANE DOE OSORIO-NAVA,
Individually and as part of or on behalf of any
Marital, Business, Corporate, Trust, or other
Community,

And

TIMOTHY HENRY, and
JANE DOE HENRY,
Individually and as part of or on behalf of any
Marital, Business, Corporate, Trust, or other
Community,

No. C-20191151

STIPULATION BETWEEN
STATE OF ARIZONA AND
DEFENDANT/CLAIMANT
TIMOTHY HENRY FOR
RELEASE OF FUNDS

(Assigned to Hon. Richard E. Gordon,
Division 8)

1 ET AL.,

2 Defendants *In Personam*,

3 And

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5 THE PROPERTY LISTED AND
6 DESCRIBED IN APPENDIX ONE,

7 Defendants *In Rem*
8 and *In Personam*.

9 CCSO/DEA Case No. 19-00799

10 The State of Arizona, by and through Assistant Attorney General Thomas J.
11 Rankin, and Defendant/Claimant Timothy Henry, through his attorney, Christopher L.
12 Scileppi, stipulate and agree as follows:

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14 1. Christopher L. Scileppi is the attorney for Timothy Henry in this action. He
15 is also the defense attorney for Timothy Henry in a criminal prosecution arising from the
16 investigation giving rise to this action. The criminal prosecution is being conducted in
17 Cochise County Superior Court under Cause Number CR201900007.

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21 2. Timothy Henry, through his attorney, Christopher L. Scileppi, has requested
22 the release of funds in the amount of \$32,500.00 from the funds in Chase Bank Account
23 ending in 1923 subscribed to by Timothy Henry, Item 11 in Appendix One to the State's
24 Notice of Pending Forfeiture filed March 7, 2019, seized in this action, to be used for the
25 costs of his defense in Cochise County Superior Court in Cause Number CR201900007,
26 pursuant to *Luis v. United States*, 578 U.S. ___, 136 S.Ct. 1083, 194 L.Ed.2d 256
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1 (2016). The \$32,500.00 represents the full flat fee amount agreed to between Timothy
2 Henry and Christopher L. Scileppi for the defense of Timothy Henry in that criminal case
3 prosecution.
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6 3. Christopher L. Scileppi has produced to the State of Arizona documentation
7 and information in support of the request for the release of funds from the Chase Bank
8 Account ending in 1923 subscribed to by Timothy Henry pursuant to *Luis v. United*
9 *States*. In consideration of that production the State of Arizona agrees to waive a motion
10 and hearing on the request and, without waiving the forfeitability of all the funds in Chase
11 Bank Account ending in 1923 subscribed to by Timothy Henry, agrees pursuant to *Luis v.*
12 *United States* to remit the amount of \$32,500.00 from the funds in Chase Bank Account
13 ending in 1923 subscribed to by Timothy Henry seized in this action to attorney
14 Christopher L. Scileppi for the benefit of Timothy Henry for the costs of the defense of
15 Timothy Henry in Cochise County Superior Court in Cause Number CR201900007. The
16 funds shall be held in and administered by Christopher L. Scileppi through his client trust
17 account for Timothy Henry for the defense of Timothy Henry in Cochise County Superior
18 Court in Cause Number CR201900007.
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24 4. At the conclusion of Timothy Henry's criminal case in Cochise County
25 Superior Court in Cause Number CR201900007, Christopher L. Scileppi shall provide to
26 the State of Arizona an accounting of the costs of the defense of Timothy Henry in
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1 Cochise County Superior Court in Cause Number CR201900007 and the expenditure of
2 the funds remitted to him for that purpose within thirty (30) days of the conclusion of
3 Timothy Henry's case in Cochise County Superior Court in Cause Number
4 CR201900007.
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7 5. If the costs of the defense of Timothy Henry in Cochise County Superior
8 Court in Cause Number CR201900007 do not reach the amount of \$32,500.00, Timothy
9 Henry, through Christopher L. Scileppi, shall remit the remainder of the funds to the State
10 of Arizona within thirty (30) days of the conclusion of Timothy Henry's case in Cochise
11 County Superior Court in Cause Number CR201900007. Any such remitted remaining
12 funds shall be held by the State of Arizona as subject matter in this action and subject to
13 resolution in this action.
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17 6. Timothy Henry, through his attorney, Christopher L. Scileppi, through this
18 Stipulation and accompanying Order, agrees that the \$32,500.00 or the amount of the
19 costs of the defense of Timothy Henry in Cochise County Superior Court in Cause
20 Number CR201900007 if less than \$32,500.00 constitutes full satisfaction of the amount
21 of property seized from Timothy Henry in this action that is subject to release from this
22 action for the defense of Timothy Henry in Cochise County Superior Court in Cause
23 Number CR201900007 under *Luis v. United States*, and Timothy Henry waives any
24 further release of property seized in this action pursuant to *Luis v. United States*.
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1 7. The signators below represent that they are authorized to enter this
2 Stipulation and accompanying Order through the electronic signature of the attorneys for
3 the State of Arizona and Timothy Henry on behalf of the State of Arizona, Timothy
4 Henry, and Christopher L. Scileppi, and acknowledge that the terms of this Stipulation and
5 accompanying Order are binding upon the State of Arizona, Timothy Henry, and
6 Christopher L. Scileppi.
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8 RESPECTFULLY SUBMITTED this 19th day of April, 2019.
9

10 MARK BRNOVICH
11 Attorney General

12 /s/ Christopher L. Scileppi
13 CHRISTOPHER L. SCILEPPI
14 Attorney for Timothy Henry
15 Chris@Scileppilaw.com

/s/ Thomas J. Rankin
 THOMAS J. RANKIN
 Assistant Attorney General
 Attorney for the State
 Thomas.Rankin@azag.gov

16 Original e-filed, proposed Order lodged,
17 and copies distributed to assigned Judge
18 and all parties in this action via TurboCourt
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